



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#40/12
02.27.03

In re application of:

Ni *et al.*

Appl. No. 09/042,583

Filed: March 17, 1998

For: **Death Domain Containing
Receptor 5**

Confirmation No. 5224

Art Unit: 1646

Examiner: Kaufman, C.

Atty. Docket: 1488.1310002/EK/EJH

TECH CENTER 1600/200

DEC 16 2002

RECEIVED

Fifth Supplemental Information Disclosure Statement

Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Fifth Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Second Supplemental Information Disclosure Statement filed on November 6, 2000 in connection with the above-captioned application. A copy of each document is also provided.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered. This statement should not be construed as a representation that a search

12/12/2002 SZEWDIE1 00000053 09042583

01 FC:1806

180.00 OP

has been made, or that information more material to the examination of the present patent application does not exist.

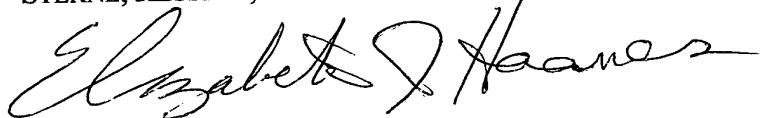
This Fifth Supplemental Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. **Attached is Form PTO-2038, Credit Card Payment Form authorizing the credit card charge of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).**

I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

Consideration of the cited documents and making the same of record in the prosecution of the above-identified application is respectfully requested. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Elizabeth J. Haanes, Ph.D.
Attorney for Applicants
Registration No. 42,613

Date December 11, 2002

1100 New York Avenue, N.W.
Suite 600
Washington, D.C. 20005-3934
(202) 371-2600